

JAN 13 2023

Halifax, N.S.

Form 23.03

2020

Hfx No. 501252

**SUPREME COURT OF NOVA SCOTIA  
IN BANKRUPTCY AND INSOLVENCY**

**In the Matter of the Receivership of 11016946 Canada Inc. (the "Company")**

Between:

**Business Development Bank of Canada**

**Applicant**

and

**11016946 Canada Inc.**

**Respondent**

**Notice of Motion**

**To: Service List at Schedule "A"**

**Motion**

Business Development Bank of Canada ("BDC"), the Applicant in this proceeding, moves for an order seeking:

1. appointment of Deloitte Restructuring Inc. ("**Deloitte**") as Receiver and Manager over the assets, undertakings, and properties of 11016946 Canada Inc. (the "**Company**"), pursuant to s. 243(1) of the *Bankruptcy and Insolvency Act* and s. 43(9) of the *Judicature Act*, limited to the real property located at 123-125 Prince William Street and 60 Water Street in Saint John, New Brunswick (the "**Property**"); and
2. approval of the proposed sales process for the Property, as described in the materials filed with this motion.

**Time and place**

The motion is to be heard by a judge on January 27, 2023 at 9:30 a.m. in the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. The moving party has set the motion for hearing in a half-hour or less in chambers. The moving party says that the motion will not require more time.

**References**

The moving party relies on the following legislation, Rules, or points of law:

- *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3;
- *Judicature Act*, R.S.N.S. 1989, c. 240;
- Rule 23 of the *Civil Procedure Rules*.

**Evidence**

The evidence in support of the motion is as follows:

1. Affidavit of Matthew J. Golding filed October 21, 2020;
2. Solicitor's Affidavit of Sara L. Scott filed October 21, 2020;
3. Affidavit of Sara L. Scott filed December 15, 2020;
4. Affidavit of James Foran filed December 18, 2020;
5. Supplemental Affidavit of Matthew J. Golding filed December 18, 2020;
6. The Pre-Filing Report of Deloitte dated January 13, 2023 and filed with this motion;
7. Affidavit of Linda Savoie sworn on January 4, 2023 and filed with this motion;
8. 2<sup>nd</sup> Supplemental Affidavit of Matthew Golding sworn January 11, 2023 and filed with this motion; and
9. Supplemental Solicitor's Affidavit of Sara L. Scott sworn January 11, 2023 and filed with this motion.

**Possible order against you**

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

**Signature**

Signed January 13, 2023



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**Sara L. Scott**  
Stewart McKelvey  
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Telephone: 902.420.3363  
Facsimile: 902.420.1417  
**Counsel for the Applicant,**  
**Business Development Bank of Canada**

**Schedule "A" - Service List**

<b>Party</b>	<b>Contact Details</b>	<b>Method of Service</b>
11016946 Canada Inc.	c/o Mark Charles Heritage House Law Office 92 Ochterloney Street Dartmouth, NS B2Y 1C5	Email: mark@heritagelaw.ca
441515 Ontario Ltd.	c/o Timothy M. Hopkins Breton Kean 75 Prince William Street, 4 <sup>th</sup> floor Saint John, NB E2L 2B2	Email: tmh@brentonkean.com
698617 N.B. Ltd.	c/o Ronald F. Lovett Director 212-3600 Kempt Road Halifax, NS B3K 4X8	Email: ronlovet@rflgroup.ca
Deloitte Restructuring Inc., Receiver	c/o Stephen J. Kingston McInnes Cooper Purdy's Wharf Tower II 1300 - 1969 Upper Water Street Halifax, NS B3J 3R7	Email: stephen.kingston@mcinnescooper.com
Frederick Hamilton	c/o Timothy M. Hopkins Breton Kean 75 Prince William Street, 4 <sup>th</sup> floor Saint John, NB E2L 2B2	Email: tmh@brentonkean.com
Ian J. Cousins		Email: ian.cousins@blackhawkconsulting.ca
Lisa C. Beddow	c/o R. Scott Wilson McInnes Cooper 1 Germain St., Suite 1700 Brunswick Square Saint John, NB E2L 4V1	Email: scott.wilson@mcinnescooper.com
Superintendent of Bankruptcy	c/o Abdulwahid Nasser Bankruptcy Assistant Office of the Superintendent of Bankruptcy 1505 Barrington Street Suite 1605 Halifax, NS B3J 3K5	Email: abdulwahid.nasser@canada.ca